

FILED  
UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
2023 JUL 19 AM 8:12  
U.S. DISTRICT COURT  
MIDDLE DISTRICT OF TN

Jonah Phillips EL  
C/O <MailingLocation>  
Nashville, Tennessee Territory  
Tennessee State Republic  
[Postal Zone 8]  
[gizzalphillips@gmail.com](mailto:gizzalphillips@gmail.com)  
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**LEGAL NOTICE OF REMOVAL**  
**FROM MUNICIPAL COURT TO FEDERAL COURT**  
**PURSUANT TO TITLE 28 § 1441- §1446**  
**PROPER ARTICLE III JURISDICTION**

**03-23 0717**

Plaintiff(s),

The Court of General Sessions of Davidson County  
State of Tennessee  
Officer Kaytlin M Huyler Metropolitan Nashville Police Department  
Officer Binkley Graham Metropolitan Nashville Police Department  
County of Davidson

**ORIGINAL JURISDICTION**  
"MINISTERSCONSULS"  
DIPLOMATS"  
Article III, Section 2; Article VI  
United States Republic Constitution  
Treaty of Peace and Friendship  
'Established Law of the Land'

v.

Federal Question(s):  
Constitution, Treaty;  
Religious Liberty;  
Due Process;  
Substantive Rights of Travel, etc.,  
Supreme Court Rulings

Jonah Phillips El, A Natural Person, In Propria Persona, Sui Juris (not to be confused with nor substituted with Pro Se); and not a Statutory Person.

**Petitioner / Alleged Accused,**

(Hereinafter Petitioner)

Official Notice is hereby served on the STATE OF TENNESSEE GENERAL SESSIONS COURT OF DAVIDSON COUNTY; all Judicial Sub-Divisions; Officials; Agents; and above named Plaintiff-all cases and Jurisdiction / Venue moved to Federal Court. All Matters, Complaints, Traffic Tickets / Suits, Citations / Bills of Exchange (misrepresented as lawful warrants, etc.), must be filed with Federal Court, pursuant to Jurisdiction named hereinafter.

I.

**JURISDICTION**

Jurisdiction / Venue are hereby placed in one Supreme Court, pursuant to Article III Section 2 for The United States Republic, and the several States, under the Constitution; Article VI; and reaffirmed by obligatory Official Oaths.

"The Judicial Power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority;--to all cases affecting ambassadors, other public ministers and consuls; --to all cases of admiralty and maritime jurisdictions;--to controversies to which the United States shall be a party;--to controversies between two or more states;--between a state and citizens of another state;--between citizens of different states;--between citizens of the same state claiming lands under grants of different states, and between a state, or the citizens thereof, and foreign states, citizens or subjects."

In all cases affecting ambassadors, other public ministers and consuls, and those in which a state shall be a party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the Congress shall make.

COMES NOW, Jonah Phillips El, In Propria Persona, Sui Juris (not to be confused with Pro se), Aboriginal Indigenous Moorish-American; possessing Free-hold by Inheritance status; standing squarely affirmed and bound to the Zodiac Constitution, with all due respect and honors given to the Constitution for the United States Republic, North America. Being a descendant of Moroccans and born in America, with the blood of the Ancient Moabites from the Land of Moab, who received permission from the Pharaohs of Egypt to settle and inhabit North-West Africa / North Gate. The Moors are the founders and are the true possessors of the present Moroccan Empire; with our Canaanite, Hittite and Amorite brethren, who sojourned from the land of Canaan, seeking new homes. Our dominion and inhabitation extended from Northeast and Southwest Africa, across the Great Atlantis, even unto the present North, South and Central America and the Adjoining Islands-bound squarely affirmed to THE TREATY OF PEACE AND FRIENDSHIP OF SEVENTEEN HUNDRED AND EIGHTY-SEVEN (1787) A.D. superseded by THE TREATY OF PEACE AND FRIENDSHIP OF EIGHTEEN HUNDRED and THIRTY-SIX (1836) A.D. between Morocco and the United States (<http://www.yale.edu/lawweb/avalon/diplomacy/barl866t.htm> or at Bevines Law Book of Treaties) the same as displayed under Treaty Law, Obligation, Authority as expressed in Article VI of the Constitution for the United States of America (Republic):

**THE TREATY OF PEACE AND FRIENDSHIP OF 1836 A.D.**  
**Between Morocco and the United States**

**Article 20**

"If any of the Citizens of the United States, or any Persons under their Protection, shall have any disputes with each other, the Consul shall decide between the Parties, and whenever the Consul shall require any Aid or Assistance from our Government, to enforce his decisions, it shall be immediately granted to him."

**Article 21**

"If any Citizen of the United States should kill or wound a Moor, or, on the contrary, if a Moor shall kill or wound a Citizen of the United States, the Law of the Country shall take place, and equal Justice shall be rendered, the Consul assisting at the Trial; and if any Delinquent shall make his escape, the Consul shall not be answerable for him in any manner whatever."

II

**PARTIES**

**Plaintiffs**

1. STATE OF TENNESSEE GENERAL SESSIONS COURT OF DAVIDSON COUNTY, private corporation; foreign to the United States Republic; and all TENNESSEE CITY Employees; Agents; Officers; Contractors; Assignees, etc., being Plaintiffs, Claimants, or Parties of Interest in the 'Color-of-Law' processes instituted by them, or any one of them, against Jonah Phillips El.

2. Kaylin M Huyler, officer of the METROPOLITAN NASHVILLE POLICE DEPARTMENT, private corporation, foreign to the United States Republic; and foreign to the organic Tennessee Republic.

3. Court Administer for the STATE OF TENNESSEE GENERAL SESSIONS COURT, private corporation foreign to the United States Republic; and foreign to the organic Tennessee Republic.

4. STATE OF TENNESSEE, corporation established in the year SEVENTEEN NINETY-SIX (1796), foreign to the organic Pennsylvania state Republic; and foreign to the United States Republic of North America.

Petitioner

Jonah Phillips El, In Propria Persona, Sui Juris (not to be confused with Pro se) Aboriginal, Indigenous Moorish American National, C/O 810 17<sup>TH</sup> AVE NORTH Apt#212, Nashville Territory, Tennessee Republic [Postal Zone 8].

I, Jonah Phillips El, In Propria Persona, Sui Juris; Aboriginal, Indigenous Moorish American National, Freehold by Inheritance with Birthrights and protected and secured Inalienable Rights, makes with this NOTICE OF REMOVAL of the unconstitutional Complaint – Summons / Ticket – Suit / Bill of Exchange / Action, Number GS986995, GS986994, GS986993, GS986992. Petitioner is with reasonable expectation that the Officers / Agents, and Officials, holding any position of Public Trust, or political office, are prohibited, under Official Oath, under the authority of The Law of the Land, from the use of the official position(s) or office(s) to violate the Constitution for the UNITED STATES OF AMERICA; and thus, by the abuse of authority, and the practice of superseding their ‘limited’ jurisdictional powers, violate and abridge the Natural, Divine, Unalienable, and Secured Rights of the People; terminating with the cause of damage to this Petitioner / Plaintiff.

III

CAUSE OF ACTION

The Petitioner / Jonah Phillips El, was searched, seized, and detained by Policeman / Prosecuting Witness(s), Officer Kaytlin M Huyler, and Officer Binkley Graham; employed by the Metropolitan Nashville Police Department who stated that Jonah Phillips El, was in violation of statute(s) 39-17-1307(c)\*1; 39-13-102 which is private policy (being classed as law).

The STATE OF TENNESSEE GENERAL SESSIONS COURT OF DAVIDSON COUNTY is an unconstitutional, private corporation, not delegated by Congress, under Article III, Section 2 of the Constitution; and that the Officers does not, and did not provide ‘Due Process’ protected and secured for the People, by the Amendments IV, V, VI, VII, VIII, IX, and X of the United States Constitution, to which the Judges and Officers in every State is bound (by Official Oath) to support and to uphold. Any statutory regulation, ordinance, or laws of any State, to the contrary, notwithstanding.

This allegedly - accused Petitioner believes that in accord with the Substantive Rights retained by the Petitioner, notifying all parties of the Petitioner’s Moorish American (Identification / Status) and that the Petitioner was not, is not, and does not, waive any Inalienable Rights to due process; and affirmed that any action be adjudicated in a lawfully delegated jurisdiction and venue.

**The Officers** of STATE OF TENNESSEE commanded that the Petitioner Pay Fines and Costs Imposed under threat, duress, and coercion with a ‘man-of-straw’ / misnomer word, misrepresented as implying my name, and typed upon the Order / Instrument, and was improperly spelled, “JONAH WENDELL PHILLIPS III” in ALL CAPITAL LETTERS. That misnomer and CORPORATE - NAME, “JONAH WENDELL PHILLIPS III” is clearly (an artificial – person / entity); is not me, the Natural Person; is a deliberate grammatical error, intended for injury to me; and is clearly not of consanguine relationship to me or to my nationality, in any form, truth, or manner,; nor to my Moorish Family Bloodline. This is in violation of my secured rights to my name and nationality; a violation of International Law; and a violation of the Obligations of the Officers of the Court; and a violation of their fiduciary duties and Official Oaths to uphold and to support Article VI of the United States Constitution; and thus, violating my Substantive Rights, and the Articles of Part 1 of ‘*The Rights of Indigenous People*’ ([http://en.wikisource.org/wiki/Draft:United\\_Nations\\_Declaration\\_on\\_the\\_Rights\\_of\\_Indigenous\\_People](http://en.wikisource.org/wiki/Draft:United_Nations_Declaration_on_the_Rights_of_Indigenous_People)) as follows:

“Indigenous People have the right to a full and effective enjoyment of all human rights and fundamental freedoms recognized in the Charter of the United Nations, The Universal Declaration of Human Rights, And International Human Law.”

Article 5 of the Rights of Indigenous People

“Every Indigenous individual has the Right to a Nationality.”

Article 15 of the Declaration of Human Rights (<http://www.un.org/Overview/rights.html>)

everyone has a right to a nationality. (2) No one shall be arbitrarily deprived of his nationality nor denied the right to change his name."

This Petitioner made a "Reservation of Rights" as stated on the ticket / summon / suit/ complaint No. GS986995, GS986994, GS986993, GS986992 and signed for the record; name, correct spelling of name.

Plaintiff Officer(s) Kaytlin M Huyler/Binkley Graham is with the 'want of jurisdiction' by knowingly and willingly conspiring (under a Color-of-Authority) to deny this Petitioner, Jonah Phillips El , (after this Petitioner made a reservation of rights and stating for the record; name, correct spelling of name, and national status) his Inalienable Rights, the right to a Name and Nationality of his choosing, etc. The State / Judge / Accuser(s) alleged and assumed the Petitioner of being a Corporate Ward-ship 14th Amendment Artificial Negro Person / citizen, which resulted in an unlawful arrest-of-rights, immunities and liberties; which is in direct contradiction to, and a violation of, the Fourth (IV) Amendment of the Constitution for the United States (Republic); violating Article VI of the Constitution, by way of violating The Treaty of Peace and Friendship of EIGHTEEN HUNDRED-THRITY-SIX (1836) A.D.; Congressional Resolution # 75, Philadelphia Pennsylvania; a violation of Article 15 of 'The Universal Declaration of Human Rights' of Nineteen Hundred and Forty-Eight (1948) A.D. – General Assembly, United Nations; a violation of 'The Declaration of the Rights of The Child' of Nineteen Hundred and Fifty-Nine(1959) A.D(<http://www.un.org/cyberschoolbus/humanrights/resources/child.asp>); and violating 'The Rights of Indigenous Peoples'; and that the Officers of THE STATE OF TENNESSEE knowingly committed 'fraud' against the Petitioner (Jonah Phillips El) by abusing their authority, in that they failed to correct a known violation; and did not aid in preventing said abuse of authority, while having (by law) the obligation to do so; and violated the Fifth Amendment of The Bill of Rights of Seventeen Hundred and Ninety-One (1791) A.D.; impeding the Peoples' **right to due process under the Law, and equal protection of the Law**, Article 1 Section 10 of The Constitution for The United States of America (Republic) which secures this Petitioner the right to contract and conspiracy to commit fraud against this Petitioner and against the United States Republic.

## IV

### CONCLUSION

1) It is a sin for any group of people to violate the Constitutional Laws of a Free National Government.

2) The Delegates, which comprise the majority of Aboriginal and Indigenous Freeholders, by Birthright, Inheritance, and Primogeniture, and declared 'for the record' and known by the consanguine / Pedigree of their / our Forefathers, as Moors / Muurs; and the European Colonial Settlers of the United States of America, did, on the fifteenth day of November in the year Seventeen Seventy-seven (1777), and in the second year of the Independence of The United States of America, agreed to certain *Articles of Confederation* and perpetual Union between the States of New Hampshire, Massachusetts Bay, Rhode Island, and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina and Georgia; wherein they did declare that the style of the Confederacy shall be the United States of America.

3) All parties to the *Articles of Confederation* of 1778 did also agree that *Article IX* shall set forth the procedure for resolving a dispute brought before the Congress of the United States by a freely associated compact State of the United States of America.

4) All parties to the *Articles of Confederation* of 1778 did also agree that no Congress shall thereafter alter *Article IX* of the *Articles of Confederation* unless it has received confirmation to do so by every State in the Union (*Article XIII* of the *Articles of Confederation*).

5) The United States, pursuant to an "Act" of the States sitting in Congress under the *Articles of Confederation* of Seventeen Hundred and Seventy-Eight (1778) A.D., authorized a Constitutional Convention for the purpose of forming a more perfect Union, to establish justice, to insure domestic tranquility, to provide for the common defense, to promote general welfare, and to secure the blessings of liberty, did ordain and established a Constitution for the United States. The Constitution for the United States was declared to be a "revision" to the *Articles of Confederation* of 1778 (*REPORT OF PROCEEDINGS IN CONGRESS*, Wed., Feb.21, 1787 [*Journals of the Continental Congress*, vol. 38]).

6) The Constitution for the United States was established by the People of the United States of America, and not by the States in their sovereign capacity (*In re Opinion of the Justices*, 107 A. 673, 674, 118 Me. 544, 5 A.L.R. 1412) and was ratified by the People sitting in Convention of the Original 13 States of the United States of America (*United States Constitution*, VII: 1:1).

7) The Constitution for the United States is a Compact which constitutes a binding trilateral Contract between the People, the freely associated compact States of the United States of America, and the United States [e.g. Article 10 of the *Bill of Rights* to the *Constitution of the United States*] (*In re Opinion of the Justices*, 107 A. 673, 674, 118 Me. 544, 5 A.L.R. 1412).

8) By the wording of Article VI of the *Constitution for the United States*; the Congress is required to review its legislation from time to time to determine if the legislation was made pursuant to the provisions of that Constitution.

9) The parties to the Compact of the United States Constitution further agreed that the enumeration in the Constitution of certain Rights shall not be construed to deny or disparage others retained by the People (Article 9 of the *Bill of Rights* to the *Constitution for the United States*).

10) The parties to the Compact also agreed that the Powers not delegated to the United States under the U.S. Constitution are reserved to the States or to the People (Article 10 of the *Bill of Rights* to the *Constitution for the United States*).

11) On February 24, 1855; the Congress of the United States created the United States Court of Claims. The Court of Claims was authorized to execute the mandates of Article IX of the *Articles of Confederation* of 1778 and Article I of the *Bill of Rights* to the *Constitution for the United States* (10 Stat. 612, sec. 1, sec. 7)

12) The Congress of the United States also enacted the "Bowman Act" of March 3, 1883 (22 Stat. 485) and the "Tucker Act" of March 3, 1887 (24 Stat. 505) to clarify the jurisdiction of the Court of Claims. Under these Acts, either House of Congress may submit any claim or matter to the United States Court of Claims for investigation and determination of facts. The Court was to report its findings back to Congress for Congressional determination.

13) Notwithstanding the limitations imposed upon the United States Claims Court by P.L. 97-164 and its subsequent United States Court of Federal Claims by P.L. 102-572; the Congress of the United States is barred by Article IX and Article XIII of the *Articles of Confederation* and by Article I of the *Bill of Rights* to the *Constitution for the United States* to limit its investigations to moneyed claims.

14) The continual refusal of the United States Congress to resolve the Petitions of Grievances that were submitted to it, by the several States of the Union, violates the "Good Faith" agreement that all grievances submitted would be expeditiously resolved as mandated by the *Articles of Confederation* of 1778.

15) Between the years of 1866 and 1868 (and other years); several states within the United States known as "States" submitted Petitions to the Congress of the United States for Redress of Grievances. These Petitions have passed from Congress to Congress for over one hundred years, with the Congress refusing to take any action to resolve the disputes as required by Article IX of the *Articles of Confederation* of 1778 and Article I of the *Bill of Rights* to the *Constitution for the United States*. These Petitions challenged the procedure by which the Congress used to amend the Constitution for the United States. The Amendments in question are the unlawfully - ratified 13<sup>th</sup>, 14<sup>th</sup> and 15th Amendments (hereinafter referred to as the "Three Dead Badges of Law").

16) "No change in ancient procedure can be made which disrupts those fundamental principles, which protect the citizen in his private right and guard him against the arbitrary action of the government." Ex Parte Young, 209 US 123.

17) The Constitution for the United States of America binds all judicial officers at Article 6, wherein it does say, "This Constitution and the Laws of the United States which shall be made in pursuance thereof, and all Treaties made, or which shall be made under the authority of the United States, shall be the Supreme Law of the Land, and the Judges of every State shall be bound thereby, anything in the Constitution or laws of any state to the Contrary, notwithstanding," see Clause 2.

18) Black's Law Dictionary 4<sup>th</sup> Ed. Defines "Law of the land", - When first used in Magna Charta, the phrase probably meant the established law of the kingdom, in opposition to the civil or Roman law. It is now generally regarded as meaning general public laws binding on all members of the community. *Janes v. Reynolds*, 2 Tex 251; *Beasley v. Cunningham*, 171 Tenn. 334. 103 S.W.2d 18, 20110 A.L.R. 306. It means due process of law warranted by the constitution, by the common law adopted by the constitution,

or by statutes passed in pursuance of the constitution Mayo v. Wilson, 1 N.H. 53.

19) Clause 3, clarifies the scope of this requirement when it states that "...All judicial officers, both of the United States and of the several states shall be bound to support this Constitution..."

20) The 5<sup>th</sup> Amendments require that all persons within the United States must be given due process of the law and equal protection of the law.

21) The unconstitutional charges being applied to this Petitioner are not in pursuance of the Constitution for the United States of America, wherein it does guarantee, and this Petitioner does declare the equal protection of the right to "life liberty and the pursuit of happiness" in the 1<sup>st</sup> Amendment, which includes the right to travel as evidenced in positive law and stare decisis, to wit; Chicago Motor Coach v. Chicago 169 NE 221 "the use of the highways for the purpose of travel and transportation is not a mere privilege, but a common fundamental right of which the public and individuals cannot rightfully be deprived"; Teche Lines v. Danforth, Miss. 12 So 2<sup>nd</sup> 784, 787 "the right to travel on the public highways is a constitutional right", Slusher v. Safety Coach Transit Co., 229 KY 731, 17 SW 2D 1012, affirmed in Thompson v. Smith 154 S.E. 579 – "The right to travel upon the public highways and transport my property thereon, by automobile is not a mere privilege, which may be permitted or prohibited at will, but a common right which one has to life, liberty and the pursuit of happiness" and the State's application of 625 ILCS 5/et seq is "notwithstanding", Article VI cl.2 Ibid.

22) The Petitioner claims full and equal protection of the Law in Marbury v. Madison 5 US 137 – "The Constitution of these United States is the Supreme Law of the Land. Any law, that is repugnant to the Constitution, is null and void of law."

23) The unconstitutional charges being applied to the Petitioner are repugnant to the Constitution because they deny a right established and guaranteed in the 1<sup>st</sup>, 4<sup>th</sup>, 5<sup>th</sup>, 6<sup>th</sup>, 7<sup>th</sup>, 8<sup>th</sup>, 9<sup>th</sup>, and 10<sup>th</sup> Amendments, and in United States Supreme Court '**Stare Decisis**' so noted above, where this court has no authority to adjudicate contrary.

24) The unconstitutional charges under which the Petitioner is being forced to answer are non-constitutional on their face and unconstitutional when applied to the Petitioner because they do not have an enacting clause or single subject title, thereby denying due process of law.

25) Due Process of law is not necessarily satisfied by any process which the Legislature may prescribe. See: Abrams v. Jones 35 Idaho 532, 207 P. 724.

26) "Due Process of Law in each particular case means such an exercise of the powers of the government as the settled maxims of law permit and sanction; and under such safeguards for the protection of individual rights as those maxims prescribe for the class of cases to which the one in question belongs." Cooley, Const. Lim. 441.

27) Due Process as defined in H. C. Black's Law Dictionary, 4<sup>th</sup> Edition. " Whatever difficulty may be experienced in giving to those terms a definition which will embrace every permissible exertion of power affecting private rights, and exclude such as is forbidden, there can be no doubt of their meaning when applied to judicial proceedings. They then mean a course of legal proceedings according to those rules and principles, which have been established in our systems of jurisprudence for the enforcement and protection of private rights."

28) "To give such proceedings any validity, there must be a tribunal competent by its constitution—that is by the law of its creation—to pass upon the subject-matter of the suit; and if that involves merely a determination of the personal liability of the defendant, he must be brought within its jurisdiction obey service of process within the state or his voluntary appearance. Pennoyer v. Neff, 95 U.S. 733, 24 L.Ed. 565."

29) "Due process of law implies the right of the person affected thereby to be present before the tribunal which pronounces judgment upon the question of life liberty, or property, in its most comprehensive sense; to be heard, by testimony or otherwise, and to have the right of controverting, by proof, every material fact which bears on the question of right in the matter involved."

30) "If any question of fact or liability be conclusively presumed against him, this is not due process of law, Zeigler v. Railroad Co., 58 Ala. 599.

31) These phrases in the Constitution do not mean the general body of the law, common and statute, as it was at the time the Constitution took effect; for that would seem to deny the right of the Legislature

to amend or repeal the law. They refer to certain fundamental rights which that system of jurisprudence, of which ours is a derivative, has always recognized. *Brown v. Levee Com's* 50 Miss. 468."

**32)** All orders or judgments issued by a judge in a court of limited jurisdiction must contain the findings of the court showing that the court has subject-matter jurisdiction, not allegations that the court has jurisdiction. *In re Jennings*, 68 Ill.2d 125, 368 N.E.2d 864 (1977) ("in a special statutory proceeding an order must contain the jurisdictional findings prescribed by statute.")

**33)** In *Interest of M.V.*, 288 Ill.App.3d 300, 681 N.E.2d 532 (1st Dist. 1997). Without subject-matter jurisdiction, all of the orders and judgments issued by a judge are **void** under law, and are of no legal force or effect. *In Interest of M.V.*, 288 Ill.App.3d 300, 681 N.E.2d 532 (1st Dist. 1997) ("Every act of the court beyond that power is void").

**34)** The Petitioner assert, *Midland Coal Co. v. Knox County*, 268 Ill.App.3d 485, 644 N.E.2d 796 (4th Dist. 1994) ("Special statutory jurisdiction is limited to the language of the act conferring it, and the court has no powers from any other source" ...)

**35)** The "language of the act" the complainants confer upon "has no powers from any other source" *Midland Coal Co. v. Knox County*, Ibid, no evidence on it's face of valid law, as it lacks the mandatory enacting clause,

**36)** That the purpose of thus prescribing an enacting clause — "the style of the acts" — is to establish it; to give it permanence, uniformity, and certainty; to identify the act of legislation as of the general assembly; to afford evidence of its legislative statutory nature; and to secure uniformity of identification, and thus prevent inadvertence, possibly mistake and fraud. *State v. Patterson*, 4 S.E. 350, 352, 98 N.C. 660 (1887); 82 C.J.S. "Statutes," § 65, p. 104; *Joiner v. State*, 155 S.E.2d 8, 10, 223 Ga. 367 (1967).

**37)** "That the almost unbroken custom of centuries has been to preface laws with a statement in some form declaring the enacting authority. The purpose of an enacting clause of a statute is to 'identify' it as an act of legislation by expressing on its face the authority behind the act." 73 Am. Jur.2d, "Statutes," § 93, p. 319, 320; *Preckel v. Byrne*, 243 N.W. 823, 826, 62 N.D. 356 (1932).

**38)** That for an enacting clause to appear on the face of a law, it must be recorded or published with the law so that the People can readily identify the authority for that particular law.

**39)** That "It is necessary that every law should show on its face the authority by which it is adopted and promulgated, and that it should clearly appear that it is intended by the legislative power that enacts it that it should take effect as a law." *People v. Dettenthaler*, 77 N.W. 450, 451, 118 Mich. 595 (1898); citing *Swann v. Buck*, 40 Miss. 270.

**40)** This Plaintiff (a court of limited jurisdiction), lacks the power to act and have proceeded beyond the strictures of the statutes, and that the statutes being applied are created from revised statutes and codes of a foreign and unidentified source, as they fail to show from what authority in law they exist, where they fail to show on their face, the mandatory enacting clause.

**41)** Said revised statutes and codes fail to show a necessary and mandatory enacting clause on their face, giving them lawful force and effect. Said revised statutes and codes are private codes and statutes and are not law, do not compel this Petitioner to perform and do not apply to him, and fail to show "authority for the court to make any order." Levy. Industrial Common Ibid, *Midland Coal Co. v. Knox County*, Ibid.

**42)** The Petitioner, demand all rights under the common law based upon the status as a matter of due process of law and to determine what legal rights the Petitioner has in this court and what rights will be denied, if any, to determine what jurisdiction the Plaintiff is attempting to apply to this Natural Born Citizen.

**43)** The Petitioner is not subject to the jurisdiction of this Plaintiff.

**44)** This Petitioner has no contract with TENNESSEE GENERAL SESSIONS COURT OF DAVIDSON COUNTY, or with the State of Tennessee; or with any other segment of the United States of America that can grant jurisdiction over human rights; or over political, economic, social and cultural rights of Indigenous Peoples.

45) The Petitioner is Aboriginal / Indigenous within the meaning of the description of the Draft Declaration of the Inter-American Declaration of the Rights of Indigenous Peoples at Article 1 Definition:

46) "In this Declaration Indigenous Peoples are those who embody historical continuity with societies which existed prior to the conquest and settlement of their territories by Europeans..."

47) Indigenous People are separate and distinct; alien to this administration; and have a separate and distinct status from the administrators of the colonial occupiers of the land; as recognized in the Declaration on Principles of International Law of Friendly Relations and Cooperation Among States; wherein it does say under the Principles of Equal Rights and self determination of Peoples (B5): "The territory of a colony or other Non-Self Governing Territory has, under the Charter, a status separate and distinct from the territory of the State administering it..."

48) Colonial legislatures were divested of their legislative powers, and required to transfer jurisdiction and all powers over the cultural rights of indigenous and minority peoples to those peoples and prohibited from making any law that effects the rights of indigenous people to fully and effectively enjoy their right to self-determination in Article 5 of the Declaration on the Granting of Independence to Colonial Countries and Peoples, Adopted by General Assembly resolution 1514 (XV) of 14 December 1960. See Article 5 to wit: "Immediate steps shall be taken, in Trust and Non-Self Governing Territories or all other territories which have not yet attained independence, to transfer all powers to the peoples of those territories, without any conditions or reservations, in accordance with their freely expressed will and desire..."

49) Colonial courts were divested of, and required to, transfer the judicative power and all power to the people of this territory, *ibid.*

50) See 'The American Declaration of the Rights and Duties of Man' (Adopted by the Ninth International Conference of American States Bogota, Colombia, 1948 at Article 5, Article 17, Article 26)

51) The United States of America is required to obey the requirements of the Declaration on the Principles of International Law and to obey the principles of international law enumerated therein.

52) The Vienna Convention on the Law of Treaties requires that the United States of America fulfill its obligations incurred thereunder.

53) The United States of America is a member of the United Nations, and is bound by the Charter of the United Nations to promote and protect the Rights of Indigenous Peoples.

54) The Declaration of the Granting of Independence to Colonial Countries and People UN GA #1514 specifically required the United States of America to transfer *all power* to the peoples of this land, and this specifically includes all legislative, executive and judicial powers.

55) The State of Tennessee through its commercial agencies, on the Drivers License, and other misrepresented Instruments, has committed 'fraud' to accomplish what is called in legal contemplation, "Capitis Diminutio Maxima", which is that my natural name has been murdered and I was resurrected as a non-natural, created entity subject to regulation and denied the protections of national and international law. This constitutes Fraud and denies due process of the law and the Freedom from the Practices and Policies of Apartheid described in the International Convention on the Suppression and Punishment of the Crime of *Apartheid* Adopted and opened for signature, ratification by General Assembly resolution 3068 (XXVIII) of 30 November 1973 at Articles 1, 2 and 3, and the right not to be compelled to perform under any contract or agreement not entered into voluntarily, intentionally and knowingly.

56) **Executive Order Number: 13107**, 63, Federal Register, 68,991 (1998)- Implementation of Human Rights Treaties, which states "It shall be the policy and practice of the Government of the United States, being committed to the protection and promotion of human rights and fundamental freedoms, fully to respect and implement its obligations under the international human rights treaties to which it is a party including the ICCPR, the CAT and the CERD.". GENERAL SESSIONS COURT DAVIDSON COUNTY, by way of its Officers, violated 'Due Process' and, conspired to deprive rights of the Petitioner; and did neglect to prevent deprivation of rights at Title 18, U.S.C. 241 and Title 18, U.S.C. 242.

57) Maine v. Thiboutot 448 US 1, 100 SCT 2502 – Officers of the court have no immunity, when violating a constitutional right from liability. For they are deemed to know the law.

58) Note that the presiding judge, and any judge acting as organ of the court, is aware that 42 USC 1986 requires the person(s) adjudicating legal processes, to correct wrongs, and that their failure to correct

the wrongs that were addressed constitutes Fraud under Rule 9(b) of the FRCP, cross referenced to 28 USC 1746, and that this Fraud constitutes a Perjury on the Oath of Office at 18 USC 1621, deprives us of rights, at 18 USC 241, and 242, Conspires to deprives rights at 42 USC 1985; is an extortion of rights at 18 USC 872, and is actionable under 42 USC 1983.

**59) Judicial officers have no immunity when they have no jurisdiction over subject matter.**

60) This court shall take mandatory Judicial Notice of the adjudged decision of the Supreme Court of the United States of Bradley v Fisher 80 U.S. 335 (1871), 351,352 that officers of the court have no immunity when they have no jurisdiction over the subject-matter. And further in Bradley v Fisher on page 352 and 352 is as follows: "Where there is clearly no jurisdiction over the subject matter any authority exercised is a usurped authority, and for the exercise of such authority, when the want of jurisdiction is known to the judge, no excuse is permissible." This evidence of Bradley v Fisher 80 U.S. 335 (1871).

61) Either subject-matter jurisdiction exists, or it doesn't. Subject-matter jurisdiction has been denied, it must be proved by the party claiming that the court has subject-matter jurisdiction as to all of the requisite elements of subject-matter jurisdiction

62) "The use of the highways for the purpose of travel and transportation is not a mere privilege, but a common and fundamental Right of which the public and the individual cannot be rightfully deprived." – Chicago Motor Coach vs. Chicago, 169 NE 22; Ligare vs. Chicago, 28 NE 934; Boon vs. Clark, 214 SSW 607; 25 Am. Jur. (1<sup>st</sup>) Highways Sect. 163.

63) "The right of a citizen (or others similarly situated) to travel upon the public highways and to transport his property thereon, by horse-drawn carriage, wagon, or automobile is not a mere privilege which may be permitted or prohibited at will, but a common right which he has under his right to life, liberty, and the pursuit of happiness." – Slusher v. Safety Coac Transit Co. 229 Ky 731, 17 SW2d 1012, affirmed by the Supreme Court in Thompson v. Smith 154 S.E. 579. (emphasis added)

64) "The right to Travel; The right to Mode of Conveyance; The Right to Locomotion are all absolute Rights, and the Police cannot make void the exercise of rights. State v. Armstead, 60 s. 778, 779, and 781"

65) "The right to Park or Travel is part of the Liberty of which the Natural Person and citizen cannot be deprived without "due process of Law" under the fifth Amendment of the United States Constitution. Kent v. Dulles 357 US 116, 125."

66) "State Police Power extend only to immediate threats to public safety, health, welfare, etc., Michigan v. Duke 266 US, 476 LED. At 449."

67) "Traveling in an automobile on the public roads was not a threat to the public safety or health and constituted no hazard to the public, and such traveler owed nothing more than "due care" (as regards to tort for negligence) to the public and the owner owed no other duty to the public (eg. State), he / she and his / her auto, having equal rights to and on the roadways / highways as horse and wagons, etc.; this same right is still substantive rule, in that speeding, running stop signs, and traveling without license plates, or registration are not threat to the public safety, and thus, are not arrestable offenses. Christy v. Elliot, 216 I 131, 74 HE 1035, LRA NS 1905 – 1910: California v. Farley 98 CED Rpt/ 89, 20 CA 3<sup>rd</sup> 1032 (1971)"

68) "Where rights secured by the Constitution are involved, there can be no rule-making or legislation, which would abrogate them. Maranda v. Arizona 384 US 4336, 125."

69) "The claim and exercise of Constitutional Rights cannot be converted into a crime. Miller v. Kansas 230 F 2<sup>nd</sup> 486, 489."

70) "For crime to exist, there must be an injured party (Corpus Delicti) There can be no sanction or penalty imposed on one because of this Constitutional right. Serer v. Cullen 481 F. 945."

71) "If any Tribunal (court) finds absence of proof of jurisdiction over a person and subject matter, the case must be dismissed. Louisville v. Motley 2111 US 149, 29S. CT. 42. "The Accuser Bears the Burden of Proof Beyond a Reasonable Doubt."

72) "In light of my status the complaint against me must be brought before an Article III court as per the rules governing the Treaty of Peace and Friendship of 1787."

Therefore in accord with the official oath of the officers of this court et al that all fraudulently presented improperly serviced instruments as per bill of exchange / suits / ticket / complaint # GS986995, GS986994, GS986993, GS986992 be dismissed, discredited and expunged from the record, etc.

73) "Lack of Federal Jurisdiction can not be waived or overcome by agreement of parties". Griffin v. Matthews, 310 F. Supra 341, 342 (1969): "

74) "Want of Jurisdiction may not be cured by consent of parties">> Industrial Addition Association v. C.I.R., 323 U.S. 310, 313."

75) "In Supreme Court case Murdock v. Penn. 319 U.S. 105  
"No state shall convert a liberty into a privilege, license it, and attach a fee to it".

76) See also; Shuttlesworth v. Birmingham 373 U.S. 26  
"If the state converts a liberty into a privilege, the citizen can engage in the right with impunity."

77) "Petitioner asserts "Where rights secured by the Constitution are involved, there can be no rule making or legislation, which would abrogate them" Miranda v. Arizona 384 U.S. 436, 491.

78) "An unconstitutional statute has been held to confer no authority on, and to afford no protection to, an officer acting thereunder." Also, "Officers cannot be punished for refusing to obey unconstitutional statute." (CJS 16, sec. 101, p. 479) "Such laws are in legal contemplation, as inoperative as though they had never been passed or as if the enactment had never been written, and are regarded as invalid or void from the date of enactment, and not only from the date on which it is judicially declared unconstitutional. Such a law generally binds no one, confers no rights, affords no protections, and imposes no duties, and compliance therewith is unnecessary." (CJS 16, p. 469).

79) "No one is bound to obey an unconstitutional law and no courts are bound to enforce it." – 16 Am Juris 2<sup>nd</sup>, Sec 177 late 2d, Sec 256.

82) "The State cannot diminish rights of the People." – Hurtado v. California, 110 U.S. 516

82) "The state is a people and not the created form of government." – Texas v. White, 7 Wallace, 700-74.

82) "The individual may stand upon constitutional rights. He is entitled to carry on his private business in his own way. His power to contract is unlimited. He owes no duty to the state or to his neighbors to divulge his business or to open his door to an investigation, so far as it may tend to incriminate him. He owes no such duty or the state, since he receives nothing therefrom, beyond the protection of his life and property. His rights are such as existed by the Law of the Land, long antecedent to the organization of the state... He owes nothing to the public so long as he does not trespass upon their rights." Hale v. Henkel, 201 U.S. 43 (1905).

83) "The makers of the Constitution conferred, as against the government, the Right to be let alone; the most comprehensive of rights, and the right most valued by civilized men." – United States Supreme Court Justice Brandeis in Olmstead v. United States (1928).

84) Based on customary international laws, the 5<sup>th</sup> Amendment of the Constitution for the United States of America, which guarantees due process of the law and Article IV of same Constitution Section 1; Full Faith and Credit shall be given in each State to the public Acts, Records and judicial proceedings of every other state...

85) No person shall be denied the enjoyment of any civil or military right, nor be discriminated against in the exercise of any civil or military right, nor be segregated in the militia or in the public schools, because of religious principles, race, color, ancestry or national origin...

## V

### RELIEF

1. The Enforcement of the following: The Divine Constitution and By-Laws of the Moorish Science Temple of America; The Moorish Nation of North America; Act VI: By Being Moorish

American, you are Part and Parcel of this said government and Must Live the Life Accordingly; Article VI of the United States Constitution Republic / The Treaty of Peace and Friendship of EIGHTEEN HUNDRED and THIRTY-SIX (1836) A.D., Classifies Moorish Americans as Federal Citizens Possessing Freehold by Inheritance Status-Truth A-1. See Article 3, Section 2 of 'The Constitution for the United States of America'.

1) I, Jonah Phillips El, demand Due Process as protected by the Fourth (4<sup>th</sup>) and Fifth (5<sup>th</sup>) Amendments of the Constitution for the United States of America (Republic).

2) I, Jonah Phillips El, demand this United States Supreme Court stop these abuses of the colorable authority by the Plaintiff as it pertain to this Petitioner.

3) I, Jonah Phillips El, demand if any criminal charges be found, let them be placed upon the Plaintiffs.

4) I, Jonah Phillips El, demand this United States Supreme Court view this Petitioner (in my Proper Person) as a Moorish American National (Natural Born Citizen of the Land) and not as a (brand) NEGRO, BLACKMAN (person), COLORED, AFRICAN-AMERICAN, or any other SLAVE TITLE or 'nom de guerre' imposed upon me for misrepresentation 'Actions' or other acts of 'Misprision' that a misdirected society may "believe" to be true.

5) I, Jonah Phillips El do not, under any condition or circumstance, by threat, duress, or coercion, waive any rights Inalienable or Secured by the Constitution or Treaty, and, hereby requests the United States Supreme Court to fulfill their obligation to preserve the rights of this Petitioner (A Moorish Americans) and carry out their Judicial Duty in 'Good Faith' by ordering Plaintiff to be brought before the Law to answer for their criminal and unjust actions.

6) All UNCONSTITUTIONAL Citations – Summons / Ticket – Suit / (misrepresented) Bill of Exchange: Number GS986995, GS986994, GS986993, GS986992, and any other 'Order' or 'Action' associated with it / them, to be dismissed and expunged for the record on it's face and merits; or, otherwise, be brought before a legitimately - delegated, and competent 'Court of Law' of International jurisdiction / venue.

7) All City, County and State Officials are to be informed of the Law of the Land (Constitution) and their obligation to uphold the same and to no longer be excused without action on the part of the Sheriff for violating the same. And to be made cognizance of the recompense of colorable actions on their part, by not adhering to the Law.

8) Any Plaintiff, Corporate or Natural, Party-Claimants; Involvements be found guilty of the charges and shall result in immediate Recusal of Office.

9) Plaintiff STATE OF TENNESSEE is being sued for \$75,000 for compensatory damages and \$75,000 for punitive damages in its official capacity.

10) Plaintiff STATE OF TENNESSEE GENERAL SEESIONS COURT OF DAVIDSON COUNTY is being sued for \$75,000 for compensatory damages and \$75,000 for punitive damages in its official capacity.

11) Plaintiff Policeman, Kaytlin M Huyler is being sued for \$75,000 for compensatory damages and \$75,000 for punitive damages in his private capacity.

12) Plaintiff Policeman, Binkley Graham, is being sued for \$75,000 for compensatory damages and \$75,000 for punitive damages in his private capacity.

13) Plaintiff STATE OF TENNESSEE COUNTY OF DAVIDSON is being sued for \$75,000 for compensatory damages and \$75,000 for punitive damages in its official capacity.

**TRIAL BY JURY OF MY OWN PEERS WAS, AND IS, DEMANDED**

I declare under the penalty of perjury under the law of the UNITED STATES CODES that the above is true and correct to the best of my knowledge and honorable intent.

Day 23, November, 2022 = 1442 M.C.

I Am: Jonah-Wendell P Phillips III (without prejudice)

Authorized Representative Natural Person, In Propria Persona: All Rights Reserved; U.C.C. 1-207 / 308; U.C.C. 1-103

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE

Jonah Phillips EL

Plaintiff(s),

)  
Case Number \_\_\_\_\_

v.

Court of General Sessions

Defendant(s),

)  
Judge \_\_\_\_\_

)  
Magistrate Judge \_\_\_\_\_

(Type of Pleading)

Jonah-Wendell Phillips III

RURAL FREE DELIVERY

NON DOMESTIC, TENNESSEE [00006]

Mailing address

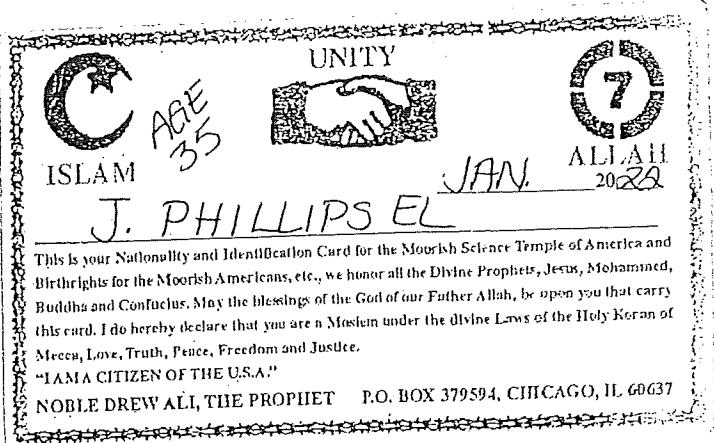
705 Drexel St. #2

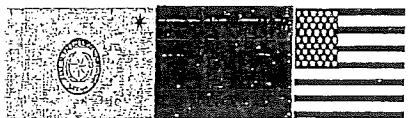
(Domestic) Nashville, TN [37203]

Jonah-Wendell Phillips III



615-601-6061





\*\*a Reg mail#

:C.-S.-S.- C.-P.-S.-G.-P. Flag of this vessel.

For the Claimant-Knowledge of this Live-Life is with this claim by this Claimant.

~1 For the knowledge of these facts are with the claim of this Live-life-man born on~seventeenth-day~April~year~1986.

~2 For these witness-knowledge of this live-life are with these claims of this live-life-birth-nativity in the city~Nashville,-State~Tennessee , -County~Davidson, is with witness by the mother-party-by the name: Doretha-Mayberry: Whitfield/Jones, and by the father:Jonah-Wendell: Phillips Jr,~by their marriage-joinder.

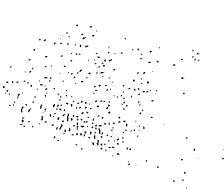
~3 For the witness-knowledge of this live-life-claim are with the claim of this live-life-birth with an authorization of these (2) two-witnesses-autographs.

~4 For the witness-knowledge of these facts are with this live-life-birth-claim with this Correct-Sentence-Structure-Communications-Parse-Syntax-Grammar-Performance of this Communications-Claim with this live-life-party.

:Image:

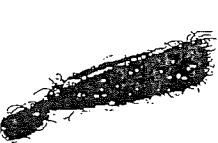


Fingerprint (FP):



(your fingerprint goes here)

Saliva or Hair



(TAPE hair strand here)

: Deneika - Leann & Carpenter

:Witness/ :

Copy-claim ~For the day: February- 21 2023 FP:

: Cherita Nicole Phillips

:Witness/ :

Copy-claim ~For the day: February- 21 2023 FP:

: Jonah - Wendell Phillips III For the date:February - 21 2023 FP:  
:Autograph-Claimant-Lifebirth :Autograph/:Copy-claim-is with the verification this  
~ -DAY, -MONTH:February, -~2023 by the now-time: On-demand: claim.

STATE OF TENNESSEE  
Office of Vital Records

HIS BECOMES A LEGAL  
RECORD WHEN PROPERLY  
EXECUTED AND FILED.

19094  
25  
19094-

8602949

141-

CHILD - NAME			DATE OF BIRTH	HOUR
1. <b>SEX</b>	THIS BIRTH - SINGLE, TWIN, TRIPLE, ETC. (SPECIFY)		21	10:36a
Male	Single			2b. M.
3. COUNTY OF BIRTH	CITY, TOWN, OR LOCATION OF BIRTH	INSIDE CITY LIMITS (SPECIFY YES OR NO)	4. HOSPITAL - NAME IF NOT IN HOSPITAL, SPECIFY PRIVATE PRACTICE DOCTORS OFFICE ETC.	
5a. Davidson	5b. Nashville	5c. Yes	5d. Baptist Hospital	
MOTHER - MAIDEN NAME	6a. Doretha Mayberry Whitfield		AGE	STATE OF BIRTH IF NOT IN U.S.A. NAME COUNTRY
RESIDENCE - STATE	COUNTY	CITY, TOWN, OR LOCATION	6b. 17	6c. Tennessee 43
7a. Tennessee	Davidson	Nashville	7d. 547-A 13th Ave	7e. North Yes
FATHER - NAME	8a. Jonah Wendell Phillips, Jr.		AGE	STATE OF BIRTH IF NOT IN U.S.A. NAME COUNTRY
			8b. 21	8c. Tennessee
CERTIFY THAT I HAVE INSPECTED THIS CERTIFICATE FOR ACCURACY				
9. MOTHER'S SIGNATURE			ATTENDANT - H.O. OTHER (SPECIFY)	DATE SIGNED (MONTH, DAY, YEAR)
I CERTIFY THAT THE ABOVE NAMED CHILD WAS BORN ALIVE AT THE TIME AND PLACE AND ON THE DATE STATED ABOVE.			10b. M.D.	10c.
10b. Signature			MAILING ADDRESS (STREET OR P.O. BOX, CITY OR TOWN, STATE, ZIP)	
10c. Edward Hills, M.D.			10e. 1916 Patterson Street	
REGISTRAR - SIGNATURE			DATE RECEIVED BY LOCAL REGISTRAR (MONTH, DAY, YEAR)	
11a. MOTHER'S MAILING ADDRESS			11b. May 3, 1986	
12. 547-A 13th Ave. North Nashville, Tennessee 37203				

I hereby certify the above to be a true and correct representation of the record or document on file in this department. This certified copy is valid only when printed on security paper showing the red embossed seal of the Tennessee Department of Health. Alteration or erasure voids this certification. Reproduction of this document is prohibited.

Tennessee Code Annotated 68-3-101 et seq.; Vital Records Act of 1977.

*Edward G. Bishop III*

Edward G. Bishop III

State Registrar

*Lisa Piercy*

Lisa Piercy, MD, MBA, FAAP

Commissioner

11 4 9316 2605199

Date Issued

## Notice of Special Appearance by Affidavit -

Challenge of jurisdiction under Title 5 USC 556(d)-[burden of proof is on the government.]

Quaelibet Jurisdictio Cancellos Suos Habet  
'Every jurisdiction has its own limits.' Jenk. Cent. Cas. 139.

"A special appearance is an appearance solely for the purpose of testing the jurisdiction."  
Bailey v. Schrada, 34 Ind. 261; Huff v. Shepard, 58 Mo. 246

A special appearance is for the purpose of testing the sufficiency of service or the jurisdiction of the court;  
State v. Huller, 23 N.M. 306, 168 P. 528, 534, 1 A.L.R. 170.

*Jonah-Wendell-Philips III*  
**COMES NOW RESPONDENT/AFFIANT,** *Jonah-Wendell-Philips III* herein after called  
"Respondent", in pro personam, NOT a pro se party with this Affidavit of Special Appearance.

**Respondent** is appearing before this court Specially and not Generally in Pro Per ("in one's own proper person"), Sui Juris, regarding case # 65986992, 65986993, 68186444, which is based on a traffic citation from Dawson County Sheriff dated 6/10/2023 GS986995

This Special Appearance by Affidavit is for the purposes of challenging the court. 6 months presumption and assumption of jurisdiction.

I hereby declare, reserve, claim and retain ALL rights and defects in process. I claim and reserve all of my rights under UCC 1-308. I further declare that I am a Man and NOT a 'legal fiction'. I am not a member of the political or legal society over which the court has jurisdiction, and I do not agree to be characterized as a legal fiction.

*I, Jonah-Wendell-Philips III*, am a living Man. Is there a man or woman who has a claim against me?

### 1. Challenge Negates Jurisdiction

By this Affidavit, petitioner challenges the subject-matter and in personam jurisdiction of this court. Therefore, this court now is without jurisdiction.

"The presumption that officials have done their duty is limited by the rule that a presumption cannot be based upon a mere presumption, and will not supply proof of independent, substantive facts, such as that a deficiency judgment was entered and docketed by the clerk of the court."  
Mahoney v Boise Title & T. Co. (1926) 116 Okla 202, 244 P 170

Once jurisdiction is challenged, the court cannot proceed when it clearly appears that the court lacks jurisdiction, the court has no authority to reach merits, but rather, should dismiss the action.  
Melo v. US, 505 F2d 1026.

"Once jurisdiction is challenged it must be proven."  
Hagans v. Levine 415 US 533 note 3  
The law requires proof of jurisdiction to appear on the record of the administrative agency and all administrative proceedings."  
Hagans v Lavine, 415 U. S. 533.

"No sanction can be imposed absent proof of jurisdiction."  
Stanard v. Olesen, 74 S.Ct. 768

"The law provides that once State / Federal Jurisdiction has been challenged, it must be proven."  
Maine v. Thiboutot, 100 S. Ct. 2502 (1980)

"Once challenged, jurisdiction cannot be assumed, it must be proved to exist."  
Stuck v. Medical Examiners, 94 CA2d 751.211 P2s 389

"The burden shifts to the court to prove jurisdiction."  
Rosemond v. Lambert, 469 F2d 416.

"Court must prove on the record, all jurisdiction facts related to the jurisdiction asserted." Lantana v. Hopper, 102 F. 2d 188; Chicago v. New York 37 F Supp. 150

Jurisdiction, once challenged, is to be proven, not by the court, but by the party attempting to assert jurisdiction. The burden of proof of jurisdiction lies with the asserter. The court is only to rule on the sufficiency of the proof tendered.

McNutt v. GMAC, 298 US 178. Origins found in Maxfield's Lessee v Levy, 4 US 308

"It is impossible to prove jurisdiction exists absent a substantial nexus with the state such as voluntary subscription to license. All jurisdictional facts supporting the claim that supposed jurisdiction exists must appear on the record of the court."

Pipe Line v. Marathon. 102 S. Ct. 3858 quoting Crowell v. Benson 883 US 22

"Therefore, it is necessary that the record present the fact establishing the jurisdiction of the tribunal"  
Lowe v. Alexander 15C 296; People v. Board of Delegates of S.F. Fire Dept 14 C 279

## **2. Jurisdiction Not Within Discretion of Court**

Petitioner reminds this court that the matter of jurisdiction is not a matter within the discretion of this court.

"A court has no jurisdiction to determine its own jurisdiction, for a basic issue in any case before a tribunal is its power to act, and a court must have the authority to decide that question in the first instance."

Rescue Army v. Municipal Court of Los Angeles, 171 P2d 8; 331 US 549, 91 L. ed. 1666, 67 S.Ct. 1409.

A court "generally may not rule on the merits of a case without first determining that it has jurisdiction over the category of claim in the suit (subject-matter jurisdiction) . . ."  
Sinochem Int'l Co. Ltd. v. Malaysia Int'l Shipping Corp., 549 U.S. 422, 430-31 (2007)

"The burden shifts to the court to prove jurisdiction."  
Rosemond v. Lambert, 469 F2d 416.

"The proponent of the rule has the burden of proof.." Title 5 U.S.C. §556(d)

## **3. Jurisdiction Cannot Be Waived**

The principles of waiver, consent, and estoppel do not apply to jurisdictional issues—the actions of the litigants cannot vest a district court with jurisdiction above the limitations provided by the Constitution and Congress.

"If the record does not show upon its face the facts necessary to give jurisdiction, they will be presumed not to have existed."  
Norman v. Zieber, 3 Orat202-03

## **4. Jurisdiction Can Be Raised At Any time**

Federal Rule 12(h)(3) states that, *"if the court determines at any time that it lacks subject-matter jurisdiction, the court must dismiss the action."* Fed. R. Civ. P. 12(h)(3).

*"Jurisdiction can be challenged at any time." and "Jurisdiction, once challenged, cannot be assumed and must be decided."*

*Basso v. Utah Power & Light Co., 495 F2d 906, 910.*

*"Defense of lack of jurisdiction over the subject matter may be raised at any time, even on appeal."*  
*Hill Top Developers v. Holiday Pines Service Corp., 478 So. 2d. 368 (Fla 2nd DCA 1985)*

*"The objection that a federal court lacks subject-matter jurisdiction may be raised by a party, or by a court on its own initiative, at any stage in the litigation, even after trial and the entry of judgment."*  
*Arbaugh v. Y & H Corp., 546 U.S. 500, 506 (2006) (citations omitted) (jurisdiction upheld); see also Kontrick v. Ryan, 540 U.S. 443, 455 (2004)*

*On appeal—even for the first time at the Supreme Court—a party may attack jurisdiction after the entry of judgment in the district court.*

*Arbaugh v. Y & H Corp., 546 U.S. 500, 514 (2006).*

*Even the party that had invoked the district court's jurisdiction can argue on appeal, to avoid an adverse judgment, that the district court lacked jurisdiction.*

*13 Wright & Miller § 3522, pp. 122-23*

*"Where the question of jurisdiction in the court of the person, the subject matter, or the place where the crime was committed can be raised, in any stage of a criminal proceeding; it is never presumed, but must always be proved; and it is never waived by the respondent."*

*U.S. v. Rogers, District Court Ark., 23 Fed 658 1855*

#### **5. Acts by Court a Nullity**

*Petitioner notices this court that any action taken by the court absent proof of is a nullity.*

*"A universal principle as old as the law is that a proceedings of a court without jurisdiction are a nullity and its judgment therein without effect either on person or property."*

*Norwood v. Renfield, 34 C 329; Ex parte Giambonini, 49 P. 732.*

*"Where there is absence of jurisdiction, all administrative and judicial proceedings are a nullity and confer no right, offer no protection, and afford no justification, and may be rejected upon direct collateral attack."*

*Thompson v. Tolmie, 2 Pet. 157, 7 L.Ed. 381; Griffith v. Frazier, 8 Cr. 9, 3L. Ed. 471.*

*"Jurisdiction is fundamental and a judgment rendered by a court that does not have jurisdiction to hear is void ab initio."*

*In Re Application of Wyatt, 300 P. 132; Re Cavitt, 118 P2d 846.*

*"Thus, where a judicial tribunal has no jurisdiction of the subject matter on which it assumes to act, its proceedings are absolutely void in the fullest sense of the term."*

*Dillon v. Dillon, 187 P 27.*

#### **6: LACK OF JURISDICTION: No witness, no facts, no jurisdiction.**

*"There is no discretion to ignore lack of jurisdiction."*

*Joyce v. U.S., 474 F2d 215.*

*"No sanction can be imposed absent proof of jurisdiction."*

*"Once challenged, jurisdiction cannot be 'assumed'; it must be proved to exist!"*

*Stanard v. Olesen, 74 S.Ct. 768*

*"Thus, where a judicial tribunal has no jurisdiction of the subject matter on which it assumes to act, its proceedings are absolutely void in the fullest sense of the term."*

*Dillon v. Dillon, 187 P 27.*

#### **OTHER CASE LAW ON JURISDICTIONAL CHALLENGES**

*In regard to courts of inferior jurisdiction, "if the record does not show upon its face the facts necessary to give jurisdiction, they will be presumed not to have existed."*  
*Norman v. Zieber, 3 Or at 202-03*

*"Where a person is not at the time a licensee, neither the agency, nor any official has any jurisdiction of said person to consider or make any order. One ground as to want of jurisdiction was, accused was not a licensee and it was not claimed that he was."*

*O'Neil v. Dept Prof. & Vocations 7 CA 2d 398; Eiseman v. Daugherty 6 CA 783*

*"A court cannot confer jurisdiction where none existed and cannot make a void proceeding valid. It is clear and well established law that a void order can be challenged in any court"*  
*OLD WAYNE MUT. L. ASSOC. v. McDONOUGH, 204 U. S. 8, 27 S. Ct. 236 (1907).*

*"Court must prove on the record, all jurisdiction facts related to the jurisdiction asserted."*  
*Latana v. Hopper, 102 F. 2d 188; Chicago v. New York 37 F Supp. 150*

*"Where the question of jurisdiction in the court of the person, the subject matter, or the place where the crime was committed can be raised, in any stage of a criminal proceeding; it is never presumed, but must always be proved; and it is never waived by the respondent."*  
*U.S. v. Rogers, District Court Ark., 23 Fed 658 1855*

*"Therefore, it is necessary that the record present the fact establishing the jurisdiction of the tribunal"*  
*Lowe v. Alexander 15C 296; People v. Board of Delegates of S.F. Fire Dept 14 C 279*

*"It is basic in our law that an administrative agency may act only within the area of jurisdiction marked out for it by law. If an individual does not come within the coverage of the particular agency's enabling legislation the agency is without power to take any action which affects him."*  
*Endicott v. Perkins, 317 US 501*

*"If the court is not in the exercise of its general jurisdiction, but of some special statutory jurisdiction, it is as to such preceding an inferior court, and not aided by presumption in favor of jurisdiction."*  
*1 Smith's Leading Cases, 816*

*"Inferior courts" are those whose jurisdiction is limited and special and whose proceedings are not according to the course of the common law."*  
*Ex Parte Kearny, 55 Cal. 212; Smith v. Andrews, 6 Cal. 652*

## JURISDICTION

*I am here by way of Special Appearance to challenge jurisdiction and to have this matter dismissed.*

*This court has assumed jurisdiction over me for almost \_\_\_\_ months. I believe this court lacks jurisdiction.*

*It's about time the court proves the stance it's taken for almost \_\_\_\_ months.*

1. *I want to see the supposed jurisdiction duly placed into evidence. In the copy of the file I have it is nonexistent.*
2. *I don't believe this court can produce a competent witness against me almost \_\_\_\_ months after the citation was issued.*
3. *I don't believe this court can produce the citations' issuing officer after almost \_\_\_\_ months.*
4. *I don't believe this court has a valid cause of action against me.*
5. *I don't believe this court has any evidence against me, except a citation that is almost \_\_\_\_ months old, signed under threat, duress and coercion (threat of arrest, incarceration).*

*This court has no evidence against me.*

*This court must prove jurisdiction.*

WHEREAS, respondent petitions this court for dismissal of this action and release/removal if any of the bench warrants that has been open for respondents arrest for \_\_\_\_ months.

All Rights Reserved,

Jonah-Wendell F. Phillips III (without prejudice) 7/19/2023  
I, Jonah-Wendell F. Phillips III, Affiant/Declarant Date 7/19/2023

NOTARY STATEMENT

In the State of Tennessee  
County of Davidson,

I swear that on the 19<sup>th</sup> day of July, 2023 the above named Affiant/Declarant,  
Jonah-Wendell F. Phillips III, personally appeared before me, and of her own free will, signed  
and executed this Notice of Special Appearance by Affidavit.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

Seal:

# Court of General Sessions

IN CIRCUIT COURT

State of Tennessee,  
Davidson County  
Plaintiff  
Defendant

Davidson, County Tennessee

GS986992

GS986995

GS986994

GS986993

-vs-  
Jonah-Wendell Phillips III  
RURALFREE DELIVERY  
NON-DOMESTIC, TN [00000]

Defendant

Plaintiff

Case Number

## AFFIDAVIT

The original indigenous sovereign divine jure Moorish national republic federal is the law and is the standing government at north America/ ancient morocco/amexem/northwest Africa/the north gate. We are capitis nolo, in propria persona, in proprio solo, and in proprio heredes and we are exercising all of our sovereign rights at this time and at all times. All foreigners on our land are commanded to state their names and nationality for the record with no further comments at the sight of the nobility of the land. No foreigners on our ancestral inherited estate at all points in time. We are the heirs to all land, all natural resources, and all commerce on our land. We have the longest standing treaty on record for the United States with our Treaty of Peace and Friendship 1786 and 1836 which was last signed by Ronald Reagan in 1986 for 50 more years. Our ancestors wrote the constitution for the United States 1789 and 1791 and gave it to George Washington and Thomas Jefferson. (See HR 331, 100th Congress, 2nd Session). We have declared peace on our home land of America.

State of Tennessee

County of Davidson

SUBSCRIBED TO AND SWORN

BEFORE ME, this 19<sup>th</sup> day of July -

Jonah-Wendell Phillips III  
(Signature) (Without  
Jonah Phillips EL (presumed))

Signature, (SEAL)

Notary Public

My Commission Expires:

PROSECUTOR: Kaytlin M Huyler  
 DEFENDANT: Jonah Wendell Phillips  
 VICTIM:

STATE OF TENNESSEE, COUNTY OF DAVIDSON  
 AFFIDAVIT  
**FELONY DRUG OFFENSE**  
 T.C.A. 39-17-417

Personally observed before me, the undersigned, [Select one]  Commissioner  Metropolitan General Sessions Judge, the prosecutor named above and made oath in due form of law that [Select one]  he  she [Select one]  personally observed  has probable cause to believe that the defendant named above on 01/05/2023 in Davidson County unlawfully and knowingly did [Select one]  sell  deliver  manufacture  possess with intent to sell, deliver, or manufacture a controlled substance and that *the probable cause is as follows:*

ON 01/05/2023 OFFICERS ENCOUNTERED THE DEFENDANT ON LAFAYETTE ST AT LINCOLN AVE AND HE WAS KNOWN TO HAVE AN OUTSTANDING WARRANT. WHEN OFFICERS ATTEMPTED TO TAKE THE DEFENDANT INTO CUSTODY, HE WAS INSTRUCTED TO STOP AND PLACE HIS HANDS BEHIND HIS BACK. THE DEFENDANT REFUSED OFFICERS COMMANDS TO STOP AND CONTINUED PEDDLING HIS BIKE AWAY FROM POLICE. OFFICERS STOPPED HIM FROM RIDING AWAY BY GRABBING A HOLD OF HIS WRIST AS THE DEFENDANT CONTINUED ACTIVELY RESISTING WHILE PULLING AWAY. POLICE PLACED THE DEFENDANT INTO CUSTODY ONCE HE WAS LOWERED TO THE GROUND. UPON SEARCH INCIDENT TO ARREST 22 GRAMS OF MARIJUANA, A SCALE, \$264 CASH (US CURRENCY) WAS DISCOVERED ON HIS PERSON. THE ARREST TOOK PLACE IN CAMERON PREP SCHOOL ZONE. THE DEFENDANT WAS TRANSPORTED TO BOOKING WITHOUT FURTHER INCIDENT.

ESignature

Prosecutor: Kaytlin M Huyler 290826  
 600 Murfreesboro Road {STATION\_ASSIGNED}

Nashville, Tennessee 37210



**A R R E S T   W A R R A N T**

Information on oath having been made, that on the day and year aforesaid, and in the County aforesaid, the offense of Poss.w/Int-Cont.Sub.- Marijuana 14.175-4,535 gr. E FELONY, as aforesaid, has been committed and charging the defendant thereof, you are therefore commanded, in the name of the State, forthwith to arrest and bring the defendant before a judge of the Court of General Sessions of Davidson County, Tennessee, to answer the above charge.

Sworn to and subscribed before me on 01/05/2023 11:44:30.

\_\_\_\_\_  
 Carolyn Piphus  
 Judge of the Metropolitan General Sessions Court/Commissioner

If the defendant's charge is dismissed, a no true bill is returned by a grand jury, the defendant is arrested and released without being charged with an offense, or the court enters a nolle prosequi in the defendant's case, the defendant is entitled, upon petition by the defendant to the court having jurisdiction over the action, to the removal and destruction of all public records relating to the case without cost to the defendant.

PROSECUTOR: Kaytlin M Huyler  
 DEFENDANT: Jonah Wendell Phillips  
 VICTIM:

STATE OF TENNESSEE, COUNTY OF DAVIDSON  
 AFFIDAVIT  
 Resisting Stop, Frisk, Halt, Arrest, or Search  
 39-16-602\*1

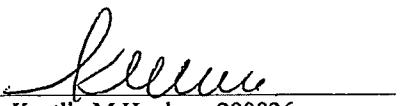
M

Personally appeared before me, the undersigned, [Select one]  Commissioner,  Metropolitan General Sessions Judge, the prosecutor named above and made oath in due form of law that [Select one]  he  she [Select one]  personally observed  has probable cause to believe that the defendant named above on 01/05/2023, in Davidson County, did intentionally prevent or obstruct a person known to the defendant to be a law enforcement officer or anyone acting in a law enforcement officer's presence and at such officer's direction from effecting a [Select one]  stop  frisk  halt  arrest or  search of any person, including the defendant, by using force against said law enforcement officer or another.

*The probable cause is as follows:*

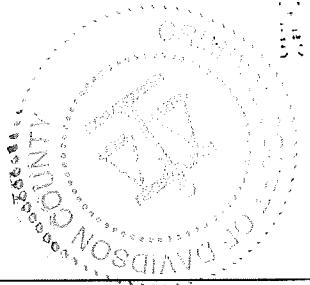
ON 01/05/2023 OFFICERS ENCOUNTERED THE DEFENDANT ON LAFAYETTE ST AT LINCOLN AVE AND HE WAS KNOWN TO HAVE AN OUTSTANDING WARRANT. WHEN OFFICERS ATTEMPTED TO TAKE THE DEFENDANT INTO CUSTODY, HE WAS INSTRUCTED TO STOP AND PLACE HIS HANDS BEHIND HIS BACK. THE DEFENDANT REFUSED OFFICERS COMMANDS TO STOP AND CONTINUED PEDDLING HIS BIKE AWAY FROM POLICE. OFFICERS STOPPED HIM FROM RIDING AWAY BY GRABBING A HOLD OF HIS WRIST AS THE DEFENDANT CONTINUED ACTIVELY RESISTING WHILE PULLING AWAY. POLICE PLACED THE DEFENDANT INTO CUSTODY ONCE HE WAS LOWERED TO THE GROUND. UPON SEARCH INCIDENT TO ARREST 22 GRAMS OF MARIJUANA, A SCALE, \$264 CASH (US CURRENCY) WAS DISCOVERED ON HIS PERSON. THE ARREST TOOK PLACE IN CAMERON PREP SCHOOL ZONE. THE DEFENDANT WAS TRANSPORTED TO BOOKING WITHOUT FURTHER INCIDENT.

ESignature



Prosecutor: Kaytlin M Huyler 290826  
 600 Murfreesboro Road {STATION\_ASSIGNED}

Nashville, Tennessee 37210



ARREST WARRANT

Information on oath having been made, that on the day and year aforesaid, and in the County aforesaid, the offense of Resisting Stop, Frisk, Halt, Arrest, or Search B MISD, as aforesaid, has been committed and charging the defendant thereof, you are therefore commanded, in the name of the State, forthwith to arrest and bring the defendant before a judge of the Court of General Sessions of Davidson County, Tennessee, to answer the above charge.

*Carolyn Piphus*  
 Sworn to and subscribed before me on 01/05/2023 11:45:56.  
 Judicial Magistrate

*Carolyn Piphus*  
 Judge of the Metropolitan General Sessions Court/Commissioner

If the defendant's charge is dismissed, a no true bill is returned by a grand jury, the defendant is arrested and released without being charged with an offense, or the court enters a nolle prosequi in the defendant's case, the defendant is entitled, upon petition by the defendant to the court having jurisdiction over the action, to the removal and destruction of all public records

1 of 2 pages ORIGINAL

COMPLAINT NUMBER: 2023-0008835

WARRANT NUMBER: GS986994

PROSECUTOR: Kaytlin M Huyler

DEFENDANT: Jonah Wendell Phillips

VICTIM:

relating to the case without cost to the defendant.

PROSECUTOR: Kaytlin M Huyler  
 DEFENDANT: Jonah Wendell Phillips  
 VICTIM:

STATE OF TENNESSEE, COUNTY OF DAVIDSON  
 AFFIDAVIT  
 Evading Arrest  
 39-16-603(a)

Personally appeared before me, the undersigned, [Select one]  Commissioner,  Metropolitan General Sessions Judge, the prosecutor named above and made oath in due form of law that [Select one]  he  she [Select one]  personally observed  has probable cause to believe that the defendant named above on 01/05/2023, in Davidson County did intentionally conceal themselves or flee by any means of locomotion from anyone the defendant knows to be a law enforcement officer if the defendant knows that the officer is attempting to arrest the defendant or the defendant has been arrested.

*The probable cause is as follows:*

ON 01/05/2023 OFFICERS ENCOUNTERED THE DEFENDANT ON LAFAYETTE ST AT LINCOLN AVE AND HE WAS KNOWN TO HAVE AN OUTSTANDING WARRANT. WHEN OFFICERS ATTEMPTED TO TAKE THE DEFENDANT INTO CUSTODY, HE WAS INSTRUCTED TO STOP AND PLACE HIS HANDS BEHIND HIS BACK. THE DEFENDANT REFUSED OFFICERS COMMANDS TO STOP AND CONTINUED PEDDLING HIS BIKE AWAY FROM POLICE. OFFICERS STOPPED HIM FROM RIDING AWAY BY GRABBING A HOLD OF HIS WRIST AS THE DEFENDANT CONTINUED ACTIVELY RESISTING WHILE PULLING AWAY. POLICE PLACED THE DEFENDANT INTO CUSTODY. ONCE HE WAS LOWERED TO THE GROUND. UPON SEARCH INCIDENT TO ARREST 22 GRAMS OF MARIJUANA, A SCALE, \$264 CASH (US CURRENCY) WAS DISCOVERED ON HIS PERSON. THE ARREST TOOK PLACE IN CAMERON PREP SCHOOL ZONE. THE DEFENDANT WAS TRANSPORTED TO BOOKING WITHOUT FURTHER INCIDENT.

ESignature

Prosecutor: Kaytlin M Huyler 290826  
 600 Murfreesboro Road {STATION\_ASSIGNED}

Nashville, Tennessee 37210




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ARREST WARRANT

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Information on oath having been made, that on the day and year aforesaid, and in the County aforesaid, the offense of Evading Arrest A MISD, as aforesaid, has been committed and charging the defendant thereof, you are therefore commanded, in the name of the State, forthwith to arrest and bring the defendant before a judge of the Court of General Sessions of Davidson County, Tennessee, to answer the above charge.

Sworn to and subscribed before me on 01/05/2023 11:46:36.

*Carolyn Piphus*  
 Carolyn Piphus  
 Special Magistrate  
 Judge of the Metropolitan General Sessions Court/Commissioner

If the defendant's charge is dismissed, a no true bill is returned by a grand jury, the defendant is arrested and released without being charged with an offense, or the court enters a nolle prosequi in the defendant's case, the defendant is entitled, upon petition by the defendant to the court having jurisdiction over the action, to the removal and destruction of all public records relating to the case without cost to the defendant.

COMPLAINT NUMBER: 2023-0008835

WARRANT NUMBER: GS986995

PROSECUTOR: Kaylin M Huyler

DEFENDANT: Jonah Wendell Phillips

VICTIM:

2 of 2 pages    ORIGINAL

PROSECUTOR: Hendrik J Kruger  
 DEFENDANT: Jonah Phillips  
 VICTIM: DENEIKA CARPENTER

D V F

STATE OF TENNESSEE, COUNTY OF DAVIDSON  
 AFFIDAVIT  
 Photography- Dissemination of Unl. Photos  
 39-13-605

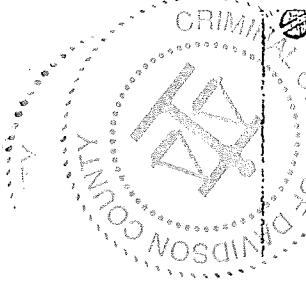
Personally appeared before me, the undersigned, [Select one]  Commissioner  Metropolitan General Sessions Judge, the prosecutor named above and made oath in due form of law that [Select one]  he  she [Select one]  personally observed  has probable cause to believe that the defendant named above on 05/17/2023 in Davidson County, *did unlawfully* [Enter brief description of the offense]

and that *the probable cause is as follows:*

ON 05/17/2023 OFFICERS WERE DISPATCHED TO 810 17TH AVE N UNIT 212 IN REGARDS TO A DOMESTIC DISTURBANCE CALL FOR SERVICE. WHEN OFFICERS ARRIVED TO THE SCENE OFFICERS WERE MET BY THE DEFENDANT WHO TOLD OFFICERS THEY WERE NOT ALLOWED TO WALK CLOSER TO HIM BECAUSE HE DID NOT CONSENT. THE VICTIM OPENED THE DOOR TO UNIT 212 AND ALLOWED OFFICERS INSIDE TO EXPLAINED THE INCIDENT. THE VICTIM STATED THAT THE INCIDENT STARTED WHEN SHE REFUSED TO GIVE THE DEFENDANT THE KEYS TO HER VEHICLE. THE DEFENDANT RESPONDED BY TAKING OUT HIS PHONE TO RECORD THE VICTIM. AT THE TIME THE VICTIM DID NOT KNOW THAT SHE WAS BEING RECORDED BY THE DEFENDANT. THE VICTIM STATED THAT SHE WAS ADVISED BY A FRIEND THAT THE DEFENDANT POSTED A FACEBOOK LIVE VIDEO OF THE VICTIM WHILE SHE WAS BREAST FEEDING HER 7 DAY OLD CHILD. WHEN THE VICTIM LEARNED OF THE FACEBOOK LIVE RECORDING, SHE SCREEN RECORDED THE FOOTAGE TO SHOW OFFICERS. IN THE FOOTAGE OFFICERS OBSERVED THE VICTIM BEING RECORDED NY THE DEFENDANT. OFFICERS OBSERVED THE VICTIM BREAST FEEDING HER CHILD WITH HER BREAST EXPOSED TO THE FACEBOOK LIVE VIDEO. WHILE THE DEFENDANT WAS RECORDING THE FOOTAGE, HE FLIPPED THE CAMERA AROUND SHOWING HIS FACE TO THE CAMERA GIVING OFFICERS THE EVIDENCE THAT THE DEFENDANT WAS THE PARTY RECORDING THE VICTIM. WHEN OFFICERS ASKED THE VICTIM HOW SHE FELT ABOUT THE FOOTAGE SHE STATED THAT SHE FELT EXPOSED AND EMBARRASSED. THE VICTIM ALSO STATED TO OFFICERS THAT SHE DID NOT KNOW THAT THE DEFENDANT WAS RECORDING HER VIA FACEBOOK LIVE. THE FOOTAGE ALSO SHOWS THE DEFENDANT TAGGING THE VICTIMS FACEBOOKS ACCOUNT ON THE LIVE FOOTAGE AND CALLING OUT THE VICTIM BY HER NAME. DUE TO THE FOOTAGE THAT THE VICTIM SHOWED OFFICERS, OFFICERS HAD PROBABLE CAUSE TO MAKE AN ARREST ON HER BEHALF DUE TO THE VICTIM HAVING AN EXPECTAION OF PRIVACY IN HER RESIDENCE.

ES signature

Prosecutor: Hendrik J Kruger 4001092



2023 MAY 17 PM 9:34  
 CRIMINAL COURT CLERK

FILED

ARREST WARRANT

Information on oath having been made, that on the day and year aforesaid, and in the County aforesaid, the offense of Photography- Dissemination of Unl. Photos E FELONY, as aforesaid, has been committed and charging the defendant thereof, you are therefore commanded, in the name of the State, forthwith to arrest and bring the defendant before a judge of the Court of General Sessions of Davidson County, Tennessee, to answer the above charge.

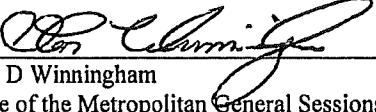
1 of 2 pages ORIGINAL

COMPLAINT NUMBER: 2023-0289855

WARRANT NUMBER: GS998843

PROSECUTOR: Hendrik J Kruger  
DEFENDANT: Jonah Phillips  
VICTIM: DENEIKA CARPENTER

Sworn to and subscribed before me on 05/17/2023 20:49:36.

  
\_\_\_\_\_  
Olen D. Winningham  
Judge of the Metropolitan General Sessions Court/Commissioner

Olen D. Winningham  
Judicial Magistrate

If the defendant's charge is dismissed, a no true bill is returned by a grand jury, the defendant is arrested and released without being charged with an offense, or the court enters a nolle prosequi in the defendant's case, the defendant is entitled, upon petition by the defendant to the court having jurisdiction over the action, to the removal and destruction of all public records relating to the case without cost to the defendant.

2 of 2 pages     ORIGINAL

**Criminal Case Summary**  
**STATE OF TENNESSEE vs. Phillips**  
**Case #: 2023-B-1170**

Case Name: STATE OF TENNESSEE vs. Phillips  
Case Status: OPEN  
Case Sub Type: IND

Next Court Date: 07/19/2023  
Case Filing Date: 06/14/2023  
Judge: Blackburn, Cheryl

**Defendant :** *Phillips, Jonah W.*

**Defendant Information:**

Name: Phillips, Jonah Wendell	OCA: 308812
Date Of Birth: 04/17/1986	Gender: Male
Race: Black	Height: 6' 1" Weight: 195 lbs.
Address: 810 17th Ave N,	City: Nashville
Phone: (615) 231-0305	State: TN
Disposition:	POC Name:
Bond Company: On Time Bail Bonds	Disposition Date:
Court Costs Paid:	Amount Set: \$8,000.00
	Amount Posted: \$8,000.00
	Court Costs Owed:

**Charging Instrument Information:**

Defendant	Charge#	TCA	TCA Description	Offense Date Range	Offense Type	Offense Class
Phillips, Jonah Wendell	GS986992	39-17-417	Poss.w/Int-Cont.Sub.- Marijuana	14.01/05/2023 to 01/05/2023	FELONY	E
Phillips, Jonah Wendell	GS986993	39-17-425	Drug Paraphernalia- Unlawful Use	01/05/2023 to 01/05/2023	MISD	A
Phillips, Jonah Wendell	GS986994	39-16-602	Resisting Stop, Frisk, Halt, Arrest, or Sea	01/05/2023 to 01/05/2023	MISD	B
Phillips, Jonah Wendell	GS986995	39-16-603	Evading Arrest	01/05/2023 to 01/05/2023	MISD	A

**Counts:**

Count#	Defendant	TCA	TCA Description	Offense Date Range	Offense Type	Offense Class
1	Phillips, Jonah Wendell	39-17-417	Poss.w/Int-Cont.Sub.- Marijuana	14.175-14.01/05/2023 to 01/05/2023	FELONY	E
2	Phillips, Jonah Wendell	39-17-425	Drug Paraphernalia- Unlawful Use	01/05/2023 to 01/05/2023	MISD	A
3	Phillips, Jonah Wendell	39-16-603	Evading Arrest	01/05/2023 to 01/05/2023	MISD	A
4	Phillips, Jonah Wendell	39-16-602	Resisting Stop, Frisk, Halt, Arrest, or Sea	01/05/2023 to 01/05/2023	MISD	B

**Events:**

Filing Date Description

Defendant: Jonah Wendell Phillips

05/31/2023	Jail Release	Bond Made - Jail Release
05/31/2023	Bond Posted	
05/31/2023	Mittimus for Appearance	Bond Surrender
05/31/2023	Bond Set	Bond set transferred TO CC CASE 2023-B-1170, Amount: 8000



**Scheduled Appearances:**

Session Date	Start Time	Judge	Court Room	Docket Type	Defendant
07/19/2023	09:00 AM	Blackburn, Cheryl	Birch Bldg, Court Room 6C	Arraignment - Criminal Court	Phillips, Jonah Wendell

**Court Attorneys:**

Attorney Name	Party Name	Role	End Date
Kelly, Kevin	Phillips, Jonah Wendell	Private Counsel	00/00/0000

**Criminal Case Summary**  
**STATE OF TENNESSEE vs. Phillips**  
**Case #: 2023-B-1170**

Case Name: STATE OF TENNESSEE vs. Phillips  
Case Status: OPEN  
Case Sub Type: IND

Next Court Date: 07/19/2023  
Case Filing Date: 06/14/2023  
Judge: Blackburn, Cheryl

**Case Parties:**

Name	Role	Victim	Type
Cunningham, Eric	WITNESS	<input type="checkbox"/>	Prosecution Witness
Huyler, Kaylin M	WITNESS	<input type="checkbox"/>	Prosecutor
Kedzierski, Jason T	WITNESS	<input type="checkbox"/>	Prosecution Witness
Luther II, Roger L	WITNESS	<input type="checkbox"/>	Prosecution Witness

